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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,578	09/26/2004	Timothy Kingston	6730.059.PCUS00	5577
28694 7590 10/17/2007 NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW SUITE 1000 WEST TOWER WASHINGTON, DC 20005			EXAMINER RASHID, MAHBUBUR	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,578	<b>Applicant(s)</b> KINGSTON ET AL.	
	<b>Examiner</b> Mahbubur Rashid	<b>Art Unit</b> 3683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/21/2004 and 09/26/2004</u> .                               | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) were submitted on 10/21/2004 and 09/26/2004. Accordingly, the examiner has considered the information disclosure statement, see attached 1449.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

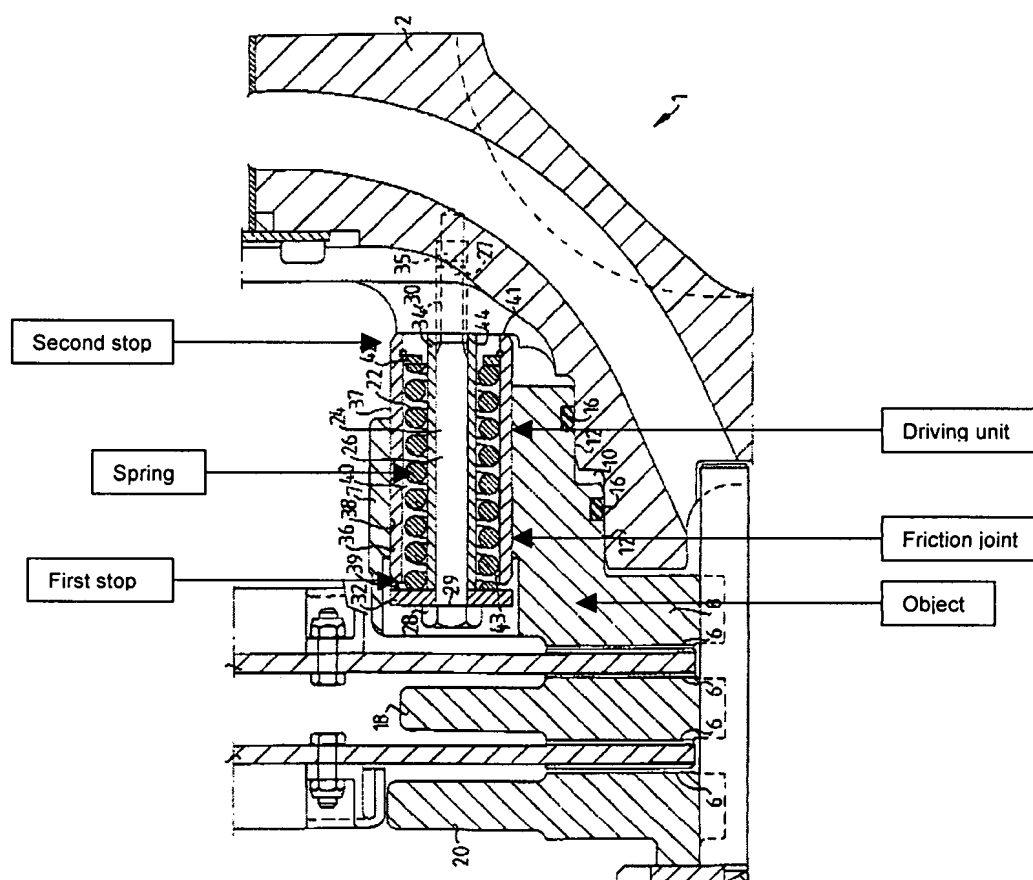
### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlen (US 6,131,705) in view of Berwanger (US 6,016,892).



Regarding **claims 1-5**, Dahlen discloses a device (fig. 1) for displacement of an object a certain distance which object is displaceable between a forward position and a rearward position, said device comprising:

a driving unit (36) displaceable between a first position (col. 3, line 64 – col. 4, line 47) and a second position (col. 3, line 64 – col. 4, line 47) for driving an object (8) a distance corresponding to a distance (col. 3, line 64 – col. 4, line 47) between the first and the second positions by means of a friction joint (see fig. Above) when the driving unit is displaced from the first position to the second position (col. 3, line 64 – col. 4, line 47), said friction joint (see fig. Above) being configured to enable displacement of the driving unit (36) and the object (8) relative to each another under the influence of a certain lowest force;

a member (22; see fig. Above) arranged to act on the driving unit (36) in a direction towards the second position by means of a spring force (col. 3, line 64 – col. 4, line 47).

Dahlen does not disclose an interconnecting component with a shoulder as claimed but Berwanger discloses an interconnecting component (figs. 2a – 2e, (17)) with a shoulder (figs. 2a – 2e, (17)) in an adjustment arrangement for a brake actuator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosure of Dahlen with the teachings of Berwanger, because an interconnecting component between the driving unit and the object will provide resistance to eliminate any unwanted movement and in turn, results in

incrementally reestablishing the preferred clearance spacing between the object (piston) and the friction member.

**Re-claim 6**, see a first stop ((32); see fig. Above).

**Re-claims 7 and 8**, see a second stop (36); see fig. Above) and the driving unit (36)(see also col. 3, line 64 – col. 4, line 47).

**Re-claim 9**, see a first sleeve (36)(see also col. 3, line 64 – col. 4, line 47).

**Re-claims 10-13**, see a pin ((28), (29), (30), (35) and (27); see also col. 3, lines 14-27).

Regarding **claims 14 and 15**, Dahlen does not disclose an interconnecting component with a shoulder as claimed but Berwanger discloses an interconnecting component (figs. 2a – 2e, (17)) with a shoulder (figs. 2a – 2e, (17)) in an adjustment arrangement for a brake actuator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosure of Dahlen with the teachings of Berwanger, because an interconnecting component between the driving unit and the object will provide resistance to eliminate any unwanted movement and in turn, results in incrementally reestablishing the preferred clearance spacing between the object (piston) and the friction member.

**Re-claim 16**, see an object (8).

Regarding **claim 17**, Dahlen discloses an arrangement for braking a vehicle, said arrangement including a device comprising:

a driving unit (36) displaceable between a first position (col. 3, line 64 – col. 4, line 47) and a second position (col. 3, line 64 – col. 4, line 47) for driving an object (8) a

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distance corresponding to a distance (col. 3, line 64 – col. 4, line 47) between the first and the second positions by means of a friction joint (see fig. Above) when the driving unit is displaced from the first position to the second position (col. 3, line 64 – col. 4, line 47), said friction joint (see fig. Above) being configured to enable displacement of the driving unit (36) and the object (8) relative to each another under the influence of a certain lowest force;

a member (22; see fig. Above) arranged to act on the driving unit (36) in a direction towards the second position by means of a spring force (col. 3, line 64 – col. 4, line 47).

Dahlen does not disclose an interconnecting component with a shoulder as claimed but Berwanger discloses an interconnecting component (figs. 2a – 2e, (17)) with a shoulder (figs. 2a – 2e, (17)) in an adjustment arrangement for a brake actuator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosure of Dahlen with the teachings of Berwanger, because an interconnecting component between the driving unit and the object will provide resistance to eliminate any unwanted movement and in turn, results in incrementally reestablishing the preferred clearance spacing between the object (piston) and the friction member.

Regarding **claim 18**, Dahlen discloses a vehicle having a braking arrangement, said braking arrangement including a device comprising:

a driving unit (36) displaceable between a first position (col. 3, line 64 – col. 4, line 47) and a second position (col. 3, line 64 – col. 4, line 47) for driving an object (8) a

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distance corresponding to a distance (col. 3, line 64 – col. 4, line 47) between the first and the second positions by means of a friction joint (see fig. Above) when the driving unit is displaced from the first position to the second position (col. 3, line 64 – col. 4, line 47), said friction joint (see fig. Above) being configured to enable displacement of the driving unit (36) and the object (8) relative to each another under the influence of a certain lowest force;

a member (22; see fig. Above) arranged to act on the driving unit (36) in a direction towards the second position by means of a spring force (col. 3, line 64 – col. 4, line 47).

Dahlen does not disclose an interconnecting component with a shoulder as claimed but Berwanger discloses an interconnecting component (figs. 2a – 2e, (17)) with a shoulder (figs. 2a – 2e, (17)) in an adjustment arrangement for a brake actuator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosure of Dahlen with the teachings of Berwanger, because an interconnecting component between the driving unit and the object will provide resistance to eliminate any unwanted movement and in turn, results in incrementally reestablishing the preferred clearance spacing between the object (piston) and the friction member.

Regarding **claim 19**, Dahlen discloses a method for providing a braking arrangement in a vehicle, said method comprising:



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utilizing a device to provide automatic adjustment of a brake piston and a brake disc cooperating with said brake piston at a certain distance relative to one another, said device (see abstract) comprising:

a driving unit (36) displaceable between a first position (col. 3, line 64 – col. 4, line 47) and a second position (col. 3, line 64 – col. 4, line 47) for driving an object (8) a distance corresponding to a distance (col. 3, line 64 – col. 4, line 47) between the first and the second positions by means of a friction joint (see fig. Above) when the driving unit is displaced from the first position to the second position (col. 3, line 64 – col. 4, line 47), said friction joint (see fig. Above) being configured to enable displacement of the driving unit (36) and the object (8) relative to each another under the influence of a certain lowest force;

a member (22; see fig. Above) arranged to act on the driving unit (36) in a direction towards the second position by means of a spring force (col. 3, line 64 – col. 4, line 47).

Dahlen does not disclose an interconnecting component with a shoulder as claimed but Berwanger discloses an interconnecting component (figs. 2a – 2e, (17)) with a shoulder (figs. 2a – 2e, (17)) in an adjustment arrangement for a brake actuator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosure of Dahlen with the teachings of Berwanger, because an interconnecting component between the driving unit and the object will provide resistance to eliminate any unwanted movement and in turn, results in

incrementally reestablishing the preferred clearance spacing between the object (piston) and the friction member.


**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahbubur Rashid whose telephone number is (571) 272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mhr

  
ROBERT A. SICONOLFI  
SUPERVISORY PATENT EXAMINER